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Attorney's Docket No. 15468-004001	Express Mail Label No.	Mailing Date September 20, 2004	For PTO Use Only <i>Do Not Mark in This Area</i> 
Application No. 10/632,401	Filing Date July 31, 2003	Attorney/Secretary Init SCH/jhp	
Title of the Invention SEPARATOR FOR FUEL CELL AND FUEL CELL PROVIDED WITH THE SAME			
Applicant Keiji Hashimoto et al.			
Client Reference No. PA0117US			
Enclosures · Information Disclosure Statement (2 pages) · Form PTO-1449 (1 page) · Documents listed on the Form PTO-1449 (2 documents) · Copy of Communication from related EP application (4 pages) 			

* No Docketing Required *

Reviewed By Practice Systems
Initials: OK

Reviewed By Billing Secretary
Initials: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Keiji Hashimoto et al. Art Unit:
Serial No.: 10/632,401 Examiner:
Filed : July 31, 2003
Title : SEPARATOR FOR FUEL CELL AND FUEL CELL PROVIDED WITH
 THE SAME

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicants call attention to the attached Information Disclosure Statement and documents listed on form PTO-1449.

This filing is being made before the receipt of a first Office action on the merits. No fee is required.

Each enclosed document listed on the herewith Form PTO-1449 was cited in the attached Communication dated August 20, 2004, issued in a foreign counterpart application not more than three months ago. To the best knowledge of the undersigned, this is the first citation of these items in any communication from a foreign patent office in a counterpart foreign application.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 20, 2004

Date of Deposit

Signature

Jennifer H. Payne

Typed or Printed Name of Person Signing Certificate

Applicant : Keiji Hashimoto et al.
Serial No.: 10/632,401
Filed : July 31, 2003

Attorney's Docket No.:15468-004001

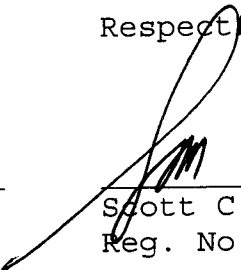
The documents are in the English language; hence no concise explanation is necessary per Rule 98(a)(3).

Consideration of the foregoing and enclosures plus the return of a copy of the enclosed form PTO-1449 with the Examiner's initials in the left column per MPEP 609 are earnestly solicited along with an early action on the merits.

Please apply any additional charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 9/20/04



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Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 15468-004001	Application No. 10/632,401
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Keiji Hashimoto et al.	
		Filing Date July 31, 2003	Group Art Unit

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	6,326,096	12/2001	Virkar et al.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AL	1 154 504	11/2001	EPO				
	AM							
	AN							
	AO							
	AP							

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AQ	
	AR	
	AS	
	AT	

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



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Eingang / Received / Reçu:

24. Aug. 2004

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(Formalities and other matters)



Application No. 03 018 118.4 - 2119	Ref. 1828/3-EP	Date 20.08.2004
Applicant ARACO KABUSHIKI KAISHA		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



ENGL H
Primary Examiner
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)
US 6 326 096 B1
EP 1 154 504

**Bescheid/Protokoll (Anlage)**

Datum
Date 20.08.2004
Date

Communication/Minutes (Annex)

Blatt
Sheet 1
Feuille

Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No.: 03 018 118.4
Demande n°:

The examination is being carried out on the **following application documents** :

Description, Pages

1-25 as originally filed

Claims, Numbers

1-20 as originally filed

Drawings, Sheets

1/7-7/7 as originally filed

1. Citations**1.1. From the European Search Report**

D1: EP-A-1 098 380 (TOYOTA MOTOR CO LTD) 9 May 2001 (2001-05-09)
D2: EP-A-1 160 900 (RIKEN KK) 5 December 2001 (2001-12-05)

1.2. The following documents (D) are cited by the examiner (see the Guidelines, C-VI, 8.7). Copies of the documents are annexed to the communication and the numbering will be adhered to in the rest of the procedure:

D3: US 6 326 096 B1
D4: EP 1 154 504 A1

2. Novelty and inventive step

2.1. The object of the invention is to improve corrosion and contact resistance of a fuel cell separator. The object is solved by a separator whose surfaces - facing anode and cathode, respectively, - are made of a different material. In preferred embodiments, the separator is made of two members of different material bonded



together.

- 2.2. D1 = EP 1098 380 A discloses a metallic separator similar in design (two half shells and an intermediate filler). However, both half members are made of the same material (stainless steel).

D2 = EP 1 160 900 A discloses a bipolar separator which carries one or more corrosion resistant layers (anodized aluminium) or conductive films (noble metals). These layers are applied to all surfaces of the separator. Therefore, D1 and D2 do not affect the patentability of the claimed subject matter.

However, the subject matter of claim 1 is not novel having regard to document D3. Document D1 discloses (see Figure 1; col. 4, lines 43 - 59; col. 5, lines 39 - 50) a separator for a fuel cell having different materials (Haynes superalloy, copper and nickel plate) on the cathode and anode side, respectively.

Therefore, claims 1 and 19 are not allowable (Article 52(1) EPC and 54 EPC).

Document D4 discloses a separator constructed of two aluminum parts (see Figure 1b) and coated with Ti. It would be obvious that for obtaining the benefits described in Document D3, said parts of the separator could be constructed from different metals in order to match the corrosion resistance with the service environment at the anode and cathode sides.

Therefore, claim 2 would not appear to involve an inventive step and is not allowable (Article 52(1) EPC and 56 EPC).

3. Claims 1, 16, 17, 18 and 19 have been drafted as separate independent claims.

Under Article 84 EPC in combination with Rule 29(2) EPC an application may contain more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 29(2) EPC. This is not the case in the present application however, for the following reason(s):

Exception a: Not applicable, since the claimed products are not inter-



related;

Exception b: Not applicable, since no use claims involved

Exception c: Not applicable, since the separator of claim 2 is different in its essential technical characteristics from the separator of claim 1, and from the separator used in the fuel cells of claims 16 - 19. Therefore, it is considered that different technical objects are also involved.

The applicant is requested to file an amended set of claims which complies with Rule 29(2). Failure to do so, or to submit convincing arguments as to why the current set of claims does in fact comply with these provisions, will lead to refusal of the application under Article 97(1) EPC.

4. The applicant is requested to file new claims which take account of the above comments.

When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).

In order to expedite the procedure the Applicant is kindly requested to indicate with his reply where there is a basis for the amendments in the application as originally filed (Guidelines for Examination in the EPO, E-II., 1.).